



MINUTES OF THE COMMON COUNCIL

TUESDAY, JUNE 17, 2014, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, B. Danzinger. Excused: T. Sladek.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to approve the minutes of the May 20, 2014, meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to approve the agenda.

Moved by Ald. Danzinger, seconded by Ald. Moore to move the Improvement & Service Committee Report to before the Plan Commission Report. Motion carried.

Moved by Ald. Moore, seconded by Ald. Wery to approve the agenda as amended. Motion carried.

REPORT BY THE MAYOR

Mayor Schmitt announced that the 12th Annual Kids Day will be June 25.

Ald. Moore will abstain from voting on the Wal-Mart issues per counsel from Menards and the League of Municipalities.

PUBLIC HEARINGS

General Ordinance No. 13-14

An ordinance amending Chapter 13 of the Code regarding the regulation of solar energy systems.

No one appeared.

Zoning Ordinance No. 5-14

An ordinance amending Zoning Ordinance No. 12-11 to expand the brewing operation at 990 Tony Canadeo Run for Badger State Brewing Co., LLC, and the elimination of off-premise signage.

No one appeared.

Zoning Ordinance No. 6-14

An ordinance creating a Planned Unit Development for a minor and major auto repair at 1253-1257 West Mason Street.

No one appeared.

Moved by Ald. Moore, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the above ordinances. Motion carried.

LEADERSHIP AWARD PRESENTATION

Mayor Schmitt presented a Key to the City and a plaque with a proclamation, which he read, to Keifer Sykes, UW-GB Men's Basketball.

REAPPOINTMENTS BY THE MAYOR

Stadium District Board

Ann Patteson

Moved by Ald. Nicholson, seconded by Ald. Moore to hold the reappointment for one month. Motion carried.

Stadium District Board

Ron Antonneau

Keith Zimmerman

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to confirm the reappointment. Motion carried.

PETITIONS & COMMUNICATIONS

ADVISORY COMMITTEE

Request by Ald. Wery for review, with possible action, on the following ordinances:

2.01(2) Council Meetings – Special Meetings

2.06(14) Rules of Council Procedure – Committee of the Whole

Request by Ald. Nicholson to review the status of the Schauer & Schumacher Building.

Request by Ald. Nicholson asking the opinion of the League of Municipalities for legal representation for the City Council.

FINANCE COMMITTEE

Request by Ald. Thomas DeWane to have American Hospitality, with their bank loan officers and lawyers, to update the Clarion Project.

Request by Ald. Nicholson to review all City fees with possible action.

Request by Ald. Nicholson to review all City permits with possible action.

Request by Ald. Nicholson to review the parcel of the former Body Shop with an updated status.

Request by Ald. Nicholson to review the debt of the City of Green Bay from 2003 to present.

Request by Ald. Nicholson to review the Downtown TIF District.

IMPROVEMENT & SERVICE COMMITTEE

Request by Ald. Thomas DeWane to have weekly pickup of garbage and recyclables at the Baird Creek Condos off Remington Road.

Application for an Underground Sprinkler System License by Fox Valley Irrigation, Inc.

Request by Ald. Zima, on behalf of the neighborhood in/and around the corner of St. Paul Street and Nicolet Avenue, that the property at 852 Nicolet Avenue be exempted from the street terrace policy.

Request by Ald. Wiezbiskie, on behalf of Samantha Francar, for additional overnight residential parking at 3031 Lawndale Drive.

Request by Ald. Steuer to look into the replacement of a cement portion of a sidewalk near a garage at 1698 Nancy Avenue.

Request by Ald. Steuer to get an understanding with financial fees with respect to the mini-sewer program.

LAW DEPARTMENT

Request by Ald. Steuer to revisit a claim by the owners of Metro Auto Sales on Velp Avenue to cover damages to a vehicle by City snowplows.

Request by Ald. Moore to review the rules and policies of various committees with citizen volunteers regarding attendance, with possible action.

PARK COMMITTEE

Request by Ald. Steuer to look into reasons for the removal of the basketball rims at Fisk Park and if they could be restored.

PERSONNEL COMMITTEE

Request by Ald. Wery to review, with possible action, the job description of "Web Designer".

Request by Ald. Thomas DeWane to look at bringing back sergeants in the Green Bay Police Department, with possible action.

PLAN COMMISSION

Request by Ald. Moore to discuss, with possible action, a "Build Green Bay" program which would offer a rebate with limitations on required permits during the construction process.

PROTECTION & WELFARE COMMITTEE

Application for a Class "B" Beverage License by Ricarda Vargas at 1207 E. Mason Street. (Transfer from Jesus Madrigal)

Application to keep three dogs at 146 Thyme Place.

Notice of the change of agent for Ultra Mart Foods, LLC at 1819 Main Street.

Request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on August 2, 2014.

Request by Ald. Wery to seek a written opinion from the Wisconsin League of Municipalities regarding bartender/operator licenses as it pertains to:

1. License restriction placed by the City to limit by location and/or type of business.

2. WI State Statute 125.04(5)(b) Criminal Offenders – Define parameters, if any, that a Council may consider applicants with a felony that substantially relates to the licensed activity.

Moved by Ald. Wiezbiskie, seconded by Ald. Nennig to suspend the rules for the purpose of allowing Protection & Welfare to be the final approving authority to the granting of a Class "B" License to Ricarda Vargas. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to allow Protection & Welfare to approve the application for Ricarda Vargas. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION June 17, 2014

The Green Bay Plan Commission, having met on Monday, June 9, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To deny amendments to the Larsen Green Planned Unit Development (PUD) ordinance to alter the site use plan, street network, density requirements, architectural design requirements, and other standards to allow for construction of a Walmart store, generally located in the 400-600 blocks of North Broadway.
2. To approve the closure to vehicular traffic at the most southerly twelve-feet of the public alley located between S Monroe Avenue and Quincy Street southerly of E Walnut Street, submitted by the Department of Public Works, representing the Green Bay Area Public School District, subject to the following conditions:
 - a. The proposed "closing" shall not constitute a discontinuance or vacation of the alley.
 - b. Any use of the area closed to traffic is addressed in Hold-Harmless Agreement recommended by the Improvement & Services Committee and adopted by the Common Council.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt Item #1.

Moved by Ald. Thomas DeWane, seconded by Ald. Zima to hold action for one month.

Roll call: Ayes: Thomas DeWane, Nicholson, Nennig, Wery, Zima. Noes: Wiezbiskie, Tim DeWane, Scannell, Steuer, Danzinger. Ald. Moore abstaining. Motion tied with the Mayor casting the deciding aye vote.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY

June 17, 2014

The Green Bay Redevelopment Authority, having met on Friday, June 13, 2014, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the purchase of 1209 S. Maple Avenue using Neighborhood Enhancement Funds as presented and subject to the adjacent property owner/buyer being approached to cover the demolition rather than the City and to authorize staff to draft and execute a development agreement with the terms as outlined in the term sheet (copy attached).

TERM SHEET

South Maple Avenue Project

The terms and conditions described herein are part of a comprehensive purchase and/or development agreement between and amongst the parties hereto, each element of which is consideration for the other elements and an integral aspect of the proposed agreements (defined below). This term sheet ("Term Sheet") does not constitute an offer or a legally binding obligation of any party hereto, or any other party in interest, nor does it constitute an offer of securities.

The transactions contemplated by this Term Sheet are subject to conditions to be set forth in a definitive agreement, including without limitation a purchase agreement, a development agreement and other supporting documentation. Any definitive agreement shall have the standard representations and warranties that are customary in such transactions.

1. Property Purchase
 - a. The Green Bay Redevelopment Authority agrees to purchase 1209 S. Maple Avenue for \$22,000 from owner Rodney Mineau.
 - b. RGM & DRC Properties LLC agree to purchase the property from the RDA for the land value of \$11,000 and remove the house.
2. Improvements to Site
 - a. RGM & DRC Properties LLC agree to attach this parcel to the adjacent parcel they own, parcel 1-879.
 - b. RGM & DRC Properties LLC agree to make improvements to the site to include a paved parking lot, fencing, and landscaping as proposed in the site plan submitted to the Redevelopment Authority staff for an estimated cost of \$41,300.
3. City will cooperate with respect to any and all permits necessary for project.
4. Environmental

- a. Developer may elect to conduct an environmental assessment of the property prior to purchase.
5. The Redevelopment Authority will grant RGM & DRC Properties LLC one year to complete the installation of the parking lot to include fencing and landscaping, with the ability to request one (1) six-month extension.
6. Following City Council authorization of this project, a development agreement consistent with the terms and conditions herein shall be executed by the Redevelopment Authority, Mayor, and Clerk subject to legal and technical changes.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report.

Moved by Ald. Zima seconded by Ald. Moore to amend the report by adding "and further that the development agreement require that the nonconforming property be demolished within 6 months and that the new parking lot to be built be constructed within 2 years of the signing of the development agreement." Motion carried.

REPORT OF THE TRAFFIC COMMISSION June 17, 2014

The Traffic Commission having met Monday, June 9, 2014, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the request to discuss, with possible action, the regularly scheduled date, time, and room of future Traffic Commission meetings.
2. To receive and place on file the report by the Traffic Engineer on Council revisions to the May 6, 2014 Traffic Commission Report.
3. To deny the request for a STOP sign at the intersection of Heyrman and Louise Streets.
4. To establish and adopt by ordinance a NO STOPPING OR STANDING 7 AM TO 4 PM SCHOOL DAYS zone on the east side of Victoria Street from Crooks Street to a point 405 feet north of Crooks Street.
5. To remove and adopt by ordinance the NO PARKING zone on the north side of Seventh Street from Military Avenue to a point 145 feet east of Military Avenue.
6. To establish and adopt by ordinance a NO PARKING zone on the north side of Seventh Street from Military Avenue to West Mennen Court.

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to adopt the report with the exception of Item #3. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #3.

Moved by Ald. Nicholson, seconded by Ald. Moore to approve the request to replace the yield sign with a stop sign. Motion carried.

REPORT OF THE ADVISORY COMMITTEE June 17, 2014

The members of the Advisory Committee, having met on Monday, May19, 2014, considered all matters on its agenda and wish to report and recommend the following:

1. To recommend to the City Council that we approve the Walmart proposal and consider any negotiated changes that may arise from the required Plan Commission meeting.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried with Ald. Moore abstaining.

REPORT OF THE FINANCE COMMITTEE JUNE 17, 2014

The Finance Committee, having met on Tuesday, June 3, 2014 considered all matters on its agenda and wishes to report and recommends the following:

1. To approve and to refer to city staff the request made by Ald. Moore that the City work with the Finance Director to expand the TIF 10 to include the vacant K-Mart, Cub Foods, and East Town Mall.
2. To hold until the next Finance Committee meeting, the request by Tom Matuszak, owner of four gas stations/convenience stores, to review the personal property tax assessment rules regarding the gas stations and convenience store of Green Bay.
3. To award the purchase of HP SAN storage to Camera Corner for \$62,984.
4. To approve the purchase of Wireless 4G LTE Modems to Tessco for \$29,456.
5. To award the purchase of Laundry Equipment for Turnout Gear to Belson Company for \$26,411.

6. To receive and place the request of the Finance Director to review financial statements through April 2014.
7. To receive and place on file the report of the Finance Director.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE June 17, 2014

The Improvement and Service Committee, having met on June 11, 2014 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Ed Boucher to rescind the bulky waste collection charge of \$70.00 at 1088 Langlade Avenue and reissue the invoice in the amount of \$35.00.
2. To approve the request by ADPC to dedicate to the City of Green Bay the storm water ponds associated with the Baird Creek Preserve.
3. To approve the request by Military Avenue Business Association to install planters in median along Military Avenue between Ninth Street to Shawano Avenue, subject to final location and details of construction being approved by the Department of Public Works, execution of a Hold Harmless Agreement, and filing of required insurances with the City of Green Bay Risk Management Division.
4. To approve the request by Ald. Wiezbiskie, on behalf of Tim Schaetz, for street lights near Hart Design & Mfg on Hemlock Road in the University Heights Business Park.
5. To hold until the July meeting the request by Ald. Chris Wery, on behalf of a resident, to waive the fees to connect to the storm sewer at 1213 Cleveland Street.
6. To refer to staff the request by Ald. Nicholson to consider an escalating fee structure for grass/weed and snow/ice issues that recur at the same address.
7. To approve the Bridge Operation Agreement with Wisconsin Department of Transportation for the Mason Street and Walnut Street Bridges for fiscal year

2015 and to authorize the Mayor and the City Clerk to sign the bridge operation agreement.

8. To approve the request by Parking Division and Feld Properties to consolidate the three (3) active Feld Properties parking agreements into one (1) new document.
9. To adopt the resolution approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Annual Report (CMAR) and authorize the Mayor and City Clerk to execute the resolution and allow the Director of Public Works to forward these documents to WDNR.
10. To approve the request by the Department of Public Works to allow the Director of Public Works to submit the Compliance, Maintenance, Operation and Management (CMOM) Report to EPA as stipulated under the Administrative Consent Order that was agreed to in September of 2013.
11. To approve the request by the Department of Public Works to contract with Robert E. Lee & Associates to complete Professional Engineering Services for the Bay Beach Amusement Park Green Infrastructure Parking Lot at a cost of \$39,500.00 and authorize the Director of Public Works to sign the agreement.
12. To approve the report of the Purchasing Manager:
 - A. To award the purchase of a 2014 Tandem Asphalt Vibratory Roller to Miller-Bradford & Risberg, Inc. for \$17,195.
13.
 - A. To receive and place on file the report of the award of contract SIDEWALKS 2014 to the low responsive bidder, Martell Construction, Inc. in the amount of \$149,999.00.
 - B. To receive and place on file the report of the award of contract PAVEMENT 1-14 to the low responsive bidder, Peters Concrete Co., in the amount of \$256,588.75.
 - C. To approve to award contract MORAIN TERRACE LIFT STATION REHABILITATION to the low responsive bidder, De Groot, Inc., in the amount of \$65,761.80.
 - D. To approve to award contract PARKING RAMP REPAIRS - 2014 to the low responsive bidder, Central Restoration, LLC, in the amount of \$511,950.00.
 - E. To approve to award contract CHRISTA McAULIFFE PARK STORMWATER FACILITY to the low responsive bidder, Radtke Contractors, Inc., in the amount of \$643,315.50.

- F. To approve to award contract PAVEMENT 2-14 to the low responsive bidder, Northeast Asphalt, in the amount of \$114,787.80.
 - G. To approve to award contract PAVEMENT 3-14 (INCLUDING SEWERS AND WATER MAIN) to the low responsive bidder, Feaker & Sons Co., Inc., in the amount of \$793,955.58.
14. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
- A. A & M Concrete and Construction, Inc.
 - B. Korowski Construction

Moved by Ald. Thomas DeWane, seconded by Ald. Nennig to adopt the report. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE

June 17, 2014

The Personnel Committee, having met on Tuesday, June 3, 2014 considered all matters on its agenda and reports and recommends the following:

1. To approve the requests to fill the following positions and all subsequent vacancies resulting from internal transfers.
 - a. Building Custodian – Public Works
 - b. Sweeper Flusher Operator (Days) – Public Works
 - c. Network Technician – Information Technology
2. To refer to Human Resources to review and revise language in the Housing Administrator job description.
3. To approve revisions to Chapter 9, Section 9.2.5 of the City's Personnel Policy, Overtime, to include paid holiday, vacation, personal leave, and comp time hours as actual time worked for the purposes of determining eligibility for overtime to be effective at the beginning of the next pay period following approval by City Council.
4. To approve revisions to Chapter 8, Section 8.3.2 of the City's Personnel Policy, Compensation, to require a written performance review and recommendation by the Department Head or designee for advancement through the appropriate pay grade of the Administrative Salary Schedule.

5. To deny the repeal in accordance with Wisconsin Statute 66.0502, of Chapter 5 of the City's Personnel Policy and Ordinance 1.80 of City Code (Am.GO 47-01) regarding City Employee Residency Requirement.
6. To receive and place on file the report by the Police Chief on revenue dollars generated by Municipal Court traffic citations and bring back the original request submitted by Ald. Nicholson regarding review of the traffic unit at the next Personnel Committee meeting.
7. To hold until the next Personnel Committee meeting the request by Ald. DeWane, to discuss with possible action, hiring an outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward at a later committee meeting.
8. To receive and place on file the report of moving expense reimbursement for the Community Services Director.
9. To receive and place on file the report of routine Personnel Actions for regular employees.
10.
 - a. To approve the 2014 Agreement with the International Brotherhood of Electrical Workers, Local No. 158 with a 2% general salary increase effective with the start of the pay period in which October 1, 2014 occurs.
 - b. To hold the update and discussion regarding labor negotiations until the next Personnel Committee meeting.

CHAPTER 8, SECTION 8.3, COMPENSATION CITY OF GREEN BAY PERSONNEL POLICY

8.3 DETERMINATION OF PAY RATES.

- 8.3.1 Hiring. Departments have the authority to hire at step 1; however, employees may be hired up to the maximum of step 4 with approval of the Human Resources Director or designee, providing the department can prove the employee has sufficient experience.
- 8.3.2 Advancement through the Steps. Employees who are hired at step 1 will be eligible to shall move to step 2, after 6-months after of the date of hire, step 3, shall be granted 18-months afterfrom date of hire and step 4, shall be granted30-months from date of hire.

Employees hired at step 2 will be eligible to move to step 3, shall move to step 3 after 6-months after date of hire andand shall move to step 4, after 18-months from after date of hire.

Employees hired at step 3 will be eligible to move to step 4, after 6-months after date of hire of employment.

Advancement to any step on the schedule must be accompanied by a written performance review and recommendation by the Department Head or designee.

At the discretion of the Human Resources Director or designee, advancement through the schedule may be modified at the time of hire to accommodate recruitment; or based on performance and the recommendation of the Department Head or designee following employment.

- 8.3.3 Reclassification or Promotion. Employees who are promoted or reclassified will be assigned a step in the new grade that typically provides an increase of 4% unless the maximum salary of the pay grade is less than 4%. The increase will be effective on the first of the pay period or an alternative action or an alternative date as approved.

A reclassification is defined as a change in duties which results in a position being placed in a different salary grade as determined by an evaluation conducted by Human Resources. An Administrative employee whose position is reclassified to a lower salary grade will retain the salary of the position prior to the change for a period of 1 month or as authorized by the Personnel Committee. This does not apply to an employee whose position is eliminated and the employee is offered and accepts a different position.

In general, an employee's placement within grade is determined by time within their current classification and/or grade rather than solely by time employed by the City. Exceptions to this principle can be approved by the Personnel Committee.

CHAPTER 9, SECTION 9.2, HOURS OF WORK CITY OF GREEN BAY PERSONNEL POLICY

9.2 HOURS OF WORK

The City retains the right to establish the work schedules and hours of work.

- 9.2.1 Work Day. The core hours for City Hall and other City offices will be 8:00 a.m. to 4:30 p.m.

- a. Administrative employees in a position at pay grade 30 or below may regularly be assigned to work 7.5 hours per day with a 1-hour unpaid lunch period. At the discretion of the department head the lunch period may be changed to a 30-minute unpaid lunch period and the work hours adjusted accordingly as long as the core hours are covered.

- b. Administrative employees in a position at pay grade 31 and above will be allowed flexibility in scheduling their work day as long as they regularly cover the core hours and regularly work at least 40 hours per week, this provision may be waived with department head approval.
- 9.2.2 Work Week. The regular work week for City Hall and other City offices will be Monday through Friday.
- 9.2.3 Alternative Work Schedules. At the discretion of the department head an alternative work schedule may be established within a department if such scheduling meets the demands and needs of the City. Any alternative work schedule established must have final approval of the Human Resources Director or designee. An alternative work schedule consists of regularly scheduling full-time employees to work one less work day every other week by working longer hours during the remaining days. The definition's intention primarily includes weekly and biweekly arrangements. Weekly arrangements such as 4/40 require 40 hours over 4-work days every week. Biweekly arrangements such as 9/80 require 80 hours over 14 calendar days every two weeks.
- 9.2.4 Work Breaks. Employees working in offices may leave their place of work and return 15 minutes later for 2 work breaks in a 7.5 or 8 hour work day, one in the first half of the work day and the other in the second half of the work day. Employees not working in offices (example, performing field work) will be entitled to 2 work breaks. Work breaks not taken are lost and cannot be accumulated or used to extend lunch periods or shorten the work day.
- 9.2.5 Overtime. In accordance with the Fair Labor Standards Act (FLSA) non-exempt employees will receive overtime at the rate of 1½ times the employee's regular hourly rate and will be paid for all hours actually worked in excess of 40 hours per week. Vacation, personal days, compensatory time and holiday time will be considered actual hours worked for the purposes of determining eligibility for overtime. Overtime hours must be approved by the Supervisor. Approved paid time off will not count as hours worked for the purposes of determining eligibility for 1½ times pay.

Overtime compensation may be in the form of compensatory time which may accumulate to a maximum of 80 hours during the course of the year and either be used or paid out prior to January 1 of the following year. Only time earned at the overtime rate of 1½ can be placed in the compensatory time bank.

Effective January 1, 2012 employees will receive only one cash-out per year of compensatory time at the end of the calendar year.
- 9.2.6 Compensatory Time. Employees exempt from FLSA will be allowed compensatory time off on an hour for hour basis to a maximum of 64 hours per year. Such time will be calculated on a weekly basis and time not taken

by the end of the year will be lost. Only overtime authorized by the department head or division head may be accrued and any time taken must be approved by the supervisor and documented on an approved City form.

Agreement Between

City of Green Bay

And

City of Green Bay
International Brotherhood of Electrical Workers
Local No. 158

(Department of Public Works
Electrical Division)

2014

Agreement Between
City of Green Bay
And
International Brotherhood of Electrical Workers
Local No. 158

2014

AGREEMENT

This Agreement has been made and entered into between the City of Green Bay, hereinafter referred to as the "City" and Local 158, International Brotherhood of Electrical Workers, hereinafter referred to as the "Union".

ARTICLE 1 RECOGNITION

The City agrees to recognize representatives of Local 158, IBEW, as the exclusive bargaining agent for all issues specifically addressed in this Agreement, for all its employees in the Department of Public Works as defined in the certification issued by the Wisconsin Employment Relations Board on August 13, 1964.

ARTICLE 2
TERM OF AGREEMENT

This Agreement will become effective as of January 1, 2014 and remain in full force and effect to and including December 31, 2014.

ARTICLE 3
BASE WAGE INCREASE

The salary schedule will reflect a 2% increase across the board base wage increase effective with the first day of the period in which October 1, 2014 occurs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this _____ day of June 2014.

City of Green Bay

**Local 158, International Brotherhood
of Electrical Workers**

Mayor

Business Manager, Local 158

Human Resources Director

City Clerk

**ELECTRICIANS
WAGE SCHEDULE**

Effective with payroll period in which October 1, 2013 occurs
2.0%

Electricians	Hourly Rate	Start of 8th year	Start of 12th year	Start of 16th year
Electrician II	\$ 29.73	\$ 29.84	\$ 29.99	\$ 30.07
Electrician I	\$ 29.25	\$ 29.35	\$ 29.53	\$ 29.61
Leadworker	\$ 30.46	\$ 30.58	\$ 30.70	\$ 30.77

Effective with payroll period in which October 1, 2014 occurs
2.0%

Electricians	Hourly Rate	Start of 8th year	Start of 12th year	Start of 16th year
Electrician II	\$ 30.32	\$ 30.44	\$ 30.59	\$ 30.67
Electrician I	\$ 29.84	\$ 29.94	\$ 30.12	\$ 30.20
Leadworker	\$ 31.07	\$ 31.19	\$ 31.31	\$ 31.39

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

June 17, 2014

The Protection & Welfare Committee, having met on Monday, June 2, 2014 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for one of seven available "Class B" Combination License by Fourth Down LLC, at 308 Pine St with the approval of proper authorities.
2. To approve the application for one of seven available "Class B" Combination License by JACB LLC, at 500 N. Baird Street with the approval of proper authorities (previously a reserve license).
3. To approve the application for a Class "B" Beverage License by Burger House 41 LLC, at 1860 West Mason Street for the balance of the license year and the 2014-2015 license year with the approval of proper authorities.
4. To approve the application for a Class "B" Beverage License by Joe's Texas Barbeque LLC, at 1800 S. Ashland Avenue for the 2014-2015 license year with the approval of proper authorities.
5. To postpone until the next meeting the application for a Class "A" Beverage License by Everardo Curiel at 1807 N. Irwin Avenue.
6. To approve the request by the owners of JD's Bar, 715 S. Broadway, to hold an outdoor event on **June 14** with music ending at 10:00 p.m. The approval of the request is subject to complaint.

To postpone until the next meeting the request by the owners of JD's Bar, 715 S. Broadway, to hold outdoor events on July 26, and September 20 and 27, with music until midnight.

7. To postpone until the next meeting the request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on July 19.
8. To approve the request by the owner of My Bar LLC, 702 N. Quincy, to hold an outdoor event on July 4. The approval of the request is subject to complaint.
9. To approve the request by the owners of LosBanditos, 2335 W. Mason Street, to include a front patio as part of their licensed premises.
10. To approve the request by the owners of LosBanditos, 2335 W. Mason Street, for an exemption of the fencing requirements.
11. To approve the request by the owner of Sandra's Cafe, 1212 Marine Street, to include the deck in front of their building as part of their licensed premises.
12. To approve the request by the owner of Sandra's Cafe, 1212 Marine Street, for an exemption of the fencing requirements. The request is contingent upon the applicant submitting a detailed site plan to the City Clerk.

13. To approve the request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, to include the patio as part of their licensed premises.
14. To approve the request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, for an exemption of the fencing requirements.
15. To approve the appeal by Timothy Micolichuk Jr. to the denial of his Operator License application.
16. To approve the applications for various liquor/or beer licenses for the 2014-2015 license year.

CLASS "A" LIQUOR & BEVERAGE

Sullivan Matuszak, Inc.
Walnut Shell
515 W. Walnut

CLASS "A" BEVERAGE

LaEspigna, LLC
La Espigna
1606 Main

Terry's EZ-Go, LLC
Terry's EZ-Go
401 Mather

CLASS "B" BEVERAGE

Juan Curiel
Taco Burrito
108 N. Oakland

CLASS "B" BEVERAGE & CLASS "C" WINE

Amanda Paterson
Cafe Madrid
154 N. Broadway

"CLASS B" COMBINATION

Keggers, LLC
Keggers
231 N. Broadway

The Public Haus, LLC
The Public Haus

813 S. Broadway

Strats, Inc.
Cliffhangers
2850 Humboldt

Anduzzi's East Green Bay, LLC
Anduzzi's Sports Club
900 Kepler

Guardrail Greg's, LLC
Guardrail Greg's
805 Klaus

Oval Office, LLC
Oval Office
1100 Main

Eat Invest GP, LLC
Julie's Cafe
1685 Main

Oneida Tribe of Indians of WI
Oneida Bingo and Casino
2552 W. Mason

LS Adams LLC
Cool Hand Luke's
1238 State St.

El Carboncito, Inc
El Carboncito
1764 University

Norma Alcazar
Las Brisas
1906 University

Mackinaws, LLC
Mackinaws Grill & Spirits
2925 Voyager

Confetti's, Inc.
Confetti's
217 E. Walnut

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adopt the report with the exception of Items #5 and #15. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt Item #5.

Moved by Ald. Moore, seconded by Ald. Thomas DeWane for discussion to amend the item by denying the application. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. Tim DeWane to deny the application of Everardo Curiel. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #15.

Moved by Ald. Wery, seconded by Ald. Scannell to refer Item #15 back to the Protection & Welfare Committee. Motion carried.

**REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES
June 17, 2014**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Anthony, Michael J	Funke, Stephen A	Lee, Nhia
Arce, Michael D	Gano, Erin A	Lombardo, Corey A
Barry, Jessica S	Geffre, Jessica M	Lorber, Benjamin P
Beggs, Sarah L	Grabau, Scott D	Lynch, Jenna M
Berglund, Jodi C	Gustafson, Amy J	Maloney, Shawn P
Bettis, Nicole A	Haroldson, Anna C	Markelz, Kate E
Blemke, Lisa A	Heath, Darlene K	Mattson, Bradley P
Bodart, Ashley J	Hendricks, Azlon L	Mercier Guzowski, Nancy
Bohrer, Elizabeth J	Hendricks, Beverly M	Metzler, Scott L
Braun, Kristie F	Herrera, Elida L	Meulemans, Anna M
Breitrick, Stacy A	Hibbard, Brandi J	Moeser, Beverly T
Brunette, Hannah N	Hock, Christine A	Molik, Lillian M
Christofferson, Leslie L	Holleran, Ryan M	Monfort, Quinn J
Colwell, Tracy L	Hoopman, Michael J	Montalban-Ramirez, Jacobo
Compton, Sara T	Ingalls, Heather L	Mortson, Darlene M
Conard, Wade M	Jacobson, Douglas L	Neuman, Nicole M
Dashnier, James P	Jadin, Kris G	Noll, Isaiah J
Dickson, Tim R	Jakubowski, Savannah M	Oakes, Melissa M
Dirkman, Eugene W	Jandrin, Carlean A	Oberle, Connie A
Dittmann, Frank L	Jensen, Michael A	Oppelt, Courtney A
Dmytryshyn, Zoryana	Josephson, Ashley R	Parker, Rebecca L
Dolgner, Nicole M	Kahl, Allan A	Pelner, Desiree J
Doxtater, Sally A	Karr, Allen E	Peters, Linda A

Dugan, Jean M
Duquaine, Abby R
Durham, Elizabeth B
Eyler, Bart M
Fernandez, Stacy A
Finendale, Jonathan J
Flagstadt, Jennifer M
Flanigan, Crystal M

Knight, Rebecca D
Kraupa, Richard K
Kurowski, Janice M
Kutska, Lakelynn A
Lafond, Scott M
Lambert, Ryne K
Lance, Catherine A
Landess, Melina M

Peters, Patricia L
Peterson, Jordan J
Petras, Juliane K
Prasher, Emily R
Rahmer, Nathan F
Regalia, Andrea M
Rentmeester, Reed M
Rose, Tina M

Samson, Stacy L
Sanford, Jonathon E
Schaefer, Maureen A
Schenkelberg, Rebecca J
Schmitt, Samantha E
Schneeberger, Andrew M
Schoen, Brandon R
Scholz, Dan R
Sehres, Harrison HJ
Siebert, Steven J
Skenandore, Morning Star
Skovera, Samantha R
Smet, Ashley A
Smidt, Robert M
Solak, Sandra L
Soquet, Bruce R
Steinhorst, Sara J
Stuiber, Sierra A
Summers, Kristy M
Thompson, Richard E
Thuecks, Matthew J
Umentum, Kevin L
VanDenPlas, Jennifer L
VanderKinter, Paula M
Vanermen, Debra J
Vanness, Ronald R
VanPay, Eric L
Volk, Patricia A
Webster, Sammi Jo
Weckler, Keegan E
Wenzel, Brienna N
Werner, Alisha L
Willson, Shelena J
Witt, Thomas P
Wolff, Rachel A
Wulk, Kelly S

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried with Ald. Danzinger abstaining.

RECEIVE & PLACE ON FILE

Building Permit Report for May, 2014.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to receive the report and place it on file. Motion carried.

RESOLUTIONS

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of adopting the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION JUNE 17, 2014

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. SEWERS 2-13 (INCLUDING WATER MAIN)

Peters Concrete Company

TOTAL AMOUNT EARNED: \$ 490,878.55

LESS AMOUNT RETAINED: \$ 0.00

\$ 490,878.55

LESS AMOUNT PREVIOUSLY PAID: \$ 475,258.46

AMOUNT DUE THIS ESTIMATE: \$ 15,620.09

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-63073: \$800.00

403-50-500-502-55355-000000-000-63073: \$803.70

412-50-500-501-55355-000000-000-63073: \$14,016.39

PO #105342

2. PAVEMENT 3-13 PART A

Vinton Construction

TOTAL AMOUNT EARNED: \$ 342,377.75

LESS AMOUNT RETAINED: \$ 0.00

\$ 342,377.75

LESS AMOUNT PREVIOUSLY PAID: \$ 323,030.36

AMOUNT DUE THIS ESTIMATE: \$ 19,347.39

ACCOUNT NUMBERS

501-00-000-000-12201-000000-000-61083: \$268.00
447-50-500-502-55355-000000-000-61083: \$0.00
447-50-500-501-55355-000000-000-61083: \$1,410.38
447-50-500-501-55305-000000-000-61083: \$17,669.01
PO #105425

3. PAVEMENT 4-13

Vinton Construction Company

TOTAL AMOUNT EARNED:	\$ 151,262.22
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 151,262.22
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 114,761.00</u>
AMOUNT DUE THIS ESTIMATE:	\$ 36,501.22

ACCOUNT NUMBERS

404-50-500-000-55305-000000-000-61103: \$36,501.22
PO #105444

Adopted June 17, 2014

Approved June 18, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING
MILITARY AVENUE BUSINESS ASSOCIATION
TO INSTALL PLANTERS IN MEDIAN ALONG
MILITARY AVENUE BETWEEN NINTH STREET
AND SHAWANO AVENUE
HOLD HARMLESS AGREEMENT
June 17, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Military Avenue Business Association to install planters in median along Military Avenue between Ninth Street and Shawano Avenue, subject to final location and details of construction being approved by the Department of Public Works, execution of a Hold Harmless Agreement, and filing of required insurances with the City of Green Bay Risk Management Division.

Adopted June 17, 2014

Approved June 18, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING THE
BRIDGE OPERATION AGREEMENT
WITH WISCONSIN DEPARTMENT OF TRANSPORTATION
June 17, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the Bridge Operation Agreement with Wisconsin Department of Transportation for the Mason Street and Walnut Street Bridges for fiscal year 2015 and to authorize the Mayor and the City Clerk to sign the bridge operation agreement.

Adopted June 17, 2014

Approved June 18, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING THE
WISCONSIN DEPARTMENT OF NATURAL RESOURCES
NR 208 – COMPLIANCE MAINTENANCE ANNUAL REPORT
June 17, 2014**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average (<3.00); and

WHEREAS the City of Green Bay (City) scored an "A" in Financial Management; and

WHEREAS the City scored an "A" in Collection System Management; and

WHEREAS the City scored an "A" as an overall grade.

NOW, THEREFORE, BE IT RESOLVED that the following voluntary actions will be taken by the City in 2013:

1. Continue to review and update policies and procedures pertaining to the financial management of the City's Sanitary Sewer District;

2. Continue to review and update written policies and procedures as it relates to the management, operation and maintenance of the City's sanitary sewer collection system;
3. Begin the development of a Capacity, Management, Operation and Maintenance (CMOM) program;
4. Begin the implementation of the CMOM program for the City's sanitary sewer collection system in the fall of 2014

Adopted June 17, 2014

Approved June 18, 2014

James J Schmitt
Mayor

ATTEST:

Kris A Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**FINAL RESOLUTION AUTHORIZING
ASPHALT RESURFACING IMPROVEMENTS AND
LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY
June 17, 2014**

WHEREAS, the Improvement & Service Committee of the City of Green Bay, Wisconsin, held a public hearing at the City Hall at 6:30 p.m. on the 30th day of April 2014 for the purpose of hearing all interested persons concerning the preliminary resolution and Report of the Director of Public Works on the proposed improvement and has heard all persons desiring audience at such hearings on the following streets or portion of streets:

ATKINSON DRIVE – Hurlbut Street to cul-de-sac north

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

1. That the Report of the Director of Public Works pertaining to the construction of the above described improvement, including plans and specifications therefore as modified, having been reviewed and discussed by members of the Improvement and Service Committee, is hereby adopted and approved.
2. That the Improvement & Service Committee is directed to advertise for bids and to carry out the work of such improvements in accordance with the Report of the Director of Public Works as approved and authorized by the appropriate Committee.
3. That the payment for improvements be made by assessing the cost to the property as indicated in said Report of the Director of Public Works.
4. That the assessments shown on and confirmed by the Report of the Director of Public Works as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That those special assessments not paid in cash shall be payable to the City of Green Bay in five (5) annual installments with interest thereon at the rate of five and one-quarter percent (5.25%) per annum.
6. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.
7. That the City Clerk shall be further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll, whose post office address is known, or can with reasonable diligence be ascertained.

Adopted: June 17, 2014

Approved: June 18, 2014

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

ORDINANCES - FIRST READING

PLANNING ORDINANCE NO. 1-14

AN ORDINANCE
AMENDING THE OFFICIAL MAP OF THE
CITY OF GREEN BAY BY CLOSING TO
VEHICULAR TRAFFIC THE MOST SOUTHERLY
12 FEET OF THE PUBLIC ALLEY LOCATED BETWEEN
SOUTH MONROE AVENUE AND QUINCY STREET,
SOUTH OF EAST WALNUT STREET

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended by closing to traffic the most southerly 12 feet of the public alley located between South Monroe Avenue and Quincy Street, south of East Walnut Street. Said proposed street closure is depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2. THIS AMENDMENT OF THE OFFICIAL MAP IS SUBJECT TO THE FOLLOWING CONDITIONS:

a. The closing shall not constitute a discontinuance or vacation of the alley.

b. Any use of the area closed to traffic shall be addressed in a hold-harmless agreement recommended by the Improvement & Services Committee and adopted by the Common Council.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2003.

APPROVED:

Mayor

ATTEST:

Clerk

LEGAL DESCRIPTION
PLANNING ORDINANCE NO. 1-14
(Description of a Portion of Public Alley
to be Closed to Vehicular Traffic)

That part of the public alley lying westerly of Lot 848, and lying easterly of Lot 849, Plat of Navarino, City of Green Bay, Brown County Wisconsin described as follows:

Beginning at the southwest corner of said Lot 848;

thence westerly 12.0 feet to the southeast corner of said Lot 849;

thence northerly 12.0 feet along the east line of said Lot 849;

thence easterly 12.0 feet, at right angles to said east line of Lot 849, to the west line of said Lot 848;

thence southerly 12.0 feet along said west line of Lot 848, to the point of beginning.

Parcel affected

11-272

Owners name and mailing address

Green Bay Area Public School District
200 S. Broadway
Green Bay, WI 54303

11-246

Gannett Georgia, LLP
7950 Jones Brach Drive
McLean VA 22101-3302

11-235

John A. Foscatto
595 County Road C
Pulaski, WI 54162

Moved by Ald. Wiezbiskie, seconded by Ald. Wery to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 7-14

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 11-13 ZONING CERTAIN LAND LOCATED ON THE EAST SIDE OF NORTH BROADWAY (300 THROUGH 600 BLOCK) AS A PLANNED UNIT DEVELOPMENT DISTRICT (ZP 14-20)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development District on the following described property:

LEGAL DESCRIPTION ATTACHED

SECTION 2. Pursuant to Section 13.1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. PERMITTED, CONDITIONAL, & ACCESSORY USES. The only uses that may be established and/or maintained on the subject property in conformance with Exhibit B Site Use Plan, and as modified by Exhibits K-1 through K-7 and by Exhibits L-1 through L-11, are as follows:

1. Permitted Uses.

- a. The permitted and accessory uses for the PUD shall be those uses listed in the D – Downtown District zoning category found within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-700 with the following modifications:
- (1) Animal hospital, veterinary clinic shall only be permitted with approval of a conditional-use permit.
 - (2) Dormitory shall only be permitted with approval of a conditional-use permit.

- (3) Firearms sales and service shall only be permitted with approval of a conditional-use permit.
- (4) Funeral homes shall not be a permitted use within the PUD.
- (5) Motels (as defined by the Green Bay Zoning Code and in contrast with “hotels”) shall not be a permitted use within the PUD.
- (6) Parking lots or structures as principal uses shall be considered a permitted use in those areas identified on attached Exhibit “E” as parking.
- (7) A one-lane drive-through facility associated with a primary use is permitted on Lot 102.

2. Conditional Uses.

- a. The following uses may be established with approval of a conditional-use permit:
 - (1) Light Industrial as defined in the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-700.
 - (2) Research and development facility as defined in the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-700.

3. Accessory Uses.

- a. The following accessory uses may be established with approval of a conditional use permit:
 - (1) Gardening and other horticultural uses.
 - (2) On-site energy generation.
 - (3) On-site renewable energy sources.

4. Use Restriction and Allowances for Individual Lots.

- a. Lots 100 and 101 shall be limited to private park and green space uses including stormwater management. This includes park related facilities, related monuments, signage, lighting, landscaping, walkways, water features and the like.
- b. Limited production and processing uses on Lots 105 and 106 shall be allowed as a permitted use up to 32,000 square feet in gross floor area when adaptively reusing the existing buildings. Permitted uses here include light milling of grain

(i.e., pressing or cracking of grain) in association with the beverage brewing process. All other related development standards of the Green Bay Municipal Code, Section 13-1607, continue to apply.

- c. Residential shall be allowed as a permitted use on the ground floor of Lots 107 and 108 when adaptively reusing the existing buildings as part of a mixed-use development.
- d. For Lot 300, ground-floor retail and service use exceeding 40,000 square feet in area shall be allowed as a permitted use.

5. Lot 400.

- a. This area, as defined on Exhibit B, should be studied for possible future mixed-use development over the proposed parking (as shown on Exhibit B), relocation of transmission lines, and development that incorporates recognition of the Historic Fort Howard. As shown on Exhibit B, a portion of this area will be utilized for stormwater management facilities. The parking lot, as shown on Exhibit B, is a permitted use on Lot 400.

B. FINAL SITE PLAN APPROVAL. Following the adoption of this ordinance and prior to the issuance of building permits, the petitioner shall receive approval of final site plans from the CDRT (Community Development Review Team).

C. DIMENSIONAL AND AREA REQUIREMENTS. The following dimensional and area requirements shall apply to all lots within the development, except Lots # 100, 101, and 106 (refer to item 6 for modifications to the dimensional standards for Lot 300):

1. Lot size and setbacks.

- a. Minimum lot width: 12 feet
- b. Minimum lot depth: 90 feet
- c. Minimum building lot size: 1,200 square feet
- d. Minimum front, side, side at corner, & rear yard setback: none
- e. Maximum front and side at corner yard setback: A minimum of 25 percent of the front or side at corner setback façade shall be at zero feet with an overall average of 6 feet for the entire length shall be maintained.

2. Site Coverage (Building Footprint).

- a. Minimum Coverage: 25%
 - b. Maximum Coverage: 100%
3. Green Space/Open Space Requirement: Minimum of 25% (in aggregate of green space and open space) of site.
- a. Open space includes terraces, exposed balconies, patios or decks, drives, paving, surface parking and parking decks.
 - b. Green space includes roof gardens, green roofs, planters, and planted landscapes.
 - c. When multiple parcels are involved in a single development project, the minimum green space/open space requirement may be satisfied by including the green and open space within the development project as a whole, even if not satisfied by one or more particular parcels within the single development project.
4. Height.
- a. Minimum height: 27 feet
 - (1) Minimum height shall be measured to lowest “high” building element and shall be the minimum measurement across the entire street facing façade(s).
 - b. Maximum height for Lots 105, 107, and 108: D2 Zoning District standard (no maximum).
 - c. Maximum height in all other locations: 68 feet
 - (1) Maximum height shall be measured to the highest “high” building element or elevator shaft and shall be the maximum measurement across the entire street facing façade(s).
 - d. Railings, antennas, etc. are not considered building elements.
5. Floor Area Ratio (FAR) see Exhibit J.
- a. Minimum FAR = 1.5 x area of site
 - b. Maximum FAR = 5.0 x area of site
 - c. Covered auto parking may be included or excluded in the calculation of FAR. This is also true of “basement” parking.
 - d. Useable rooftops, exterior patios, and decks are not included in the calculation of FAR.

- e. Basements are not included in the calculation of FAR except that portion of basements with occupied/accessible space or areas dedicated for parking.
6. Lot 300 shall follow the Dimensional and Area Requirements as set forth in this Section (C), with the following modifications:
- a. Temporary minimum FAR = 0.2 (after initial phase of development).
 - b. Final minimum FAR = 1.0 (after all phases of development).
 - c. No minimum side or rear yard setbacks shall be required.
 - d. No maximum front yard setback shall be required, and parking may be allowed in the front yard.
 - e. Average setback along Broadway shall be a maximum of 14 feet.
 - f. No minimum building coverage shall be required.

D. STORM WATER MANAGEMENT AND GRADING PLAN. A storm water management plan and grading plan meeting the standards established by the City's Department of Public Works, Brown County, and the State of Wisconsin shall be submitted to and approved by the City prior to the issuance of building permits.

E. SIGNAGE. Signage shall be regulated as follows:

1. Signage shall meet the standards for the D – Downtown Zoning District as set forth within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-2000 with the following modifications:
- a. Pole signs are prohibited within the PUD boundaries.
 - b. Monument signs are permitted through approval of a Conditional Use Permit (CUP).
 - c. A detailed signage plan shall be submitted to and approved by the CDRT (Community Development Review Team) at time of site plan submittal and prior to issuance of any building permits.
 - d. Off-premises signage is permitted at locations on Broadway and Dousman as identified on Exhibit B. Signage shall meet the dimensional and sign area standards and allowances of monument signs found within Section 13-2000 for the Downtown District.
 - e. Signage that generally conforms with Exhibits K-8, K-10, and K-11 shall be allowed with the following standards:

(1) Because signage on buildings A and B will include the

identity for a coordinated mixed-used development, a maximum of two wall signs will be permitted on each of the east and west building facades with a total area not to exceed 650 square feet.

- (2) Roof signage shall be permitted on Lots 105 and 106.
- (3) Projecting signs shall not exceed 45 square feet in area per sign.

f. Landmark signage on the existing smokestack shall be permitted on Lot 106. Such signage shall generally conform with Exhibits K-10 and K-11 and shall comply with the following:

- (1) In order to manage the scale of the sign, the size and spacing of letters in the sign shall be similar to the size and spacing of the existing "LARSEN" lettering.
- (2) Any lighting of the sign shall be complementary to the overall light of the site. External lighting or backlighting are preferred to channel lighting.
- (3) The sign must be affixed in a way that does not damage the structural integrity of the stack and that does not obscure the daytime view of the historic "LARSEN" lettering.
- (4) The sign height shall not exceed the top of the stack.
- (5) The area of landmark signage shall not count toward the total allowable sign area for the building or site.

g. Signage that generally conforms with Exhibit L-5 shall be allowed on Lot 300 with the following standards:

- (1) Total area of attached signage (to the building walls) not to exceed 800 square feet.
- (2) One monument sign shall be permitted not to exceed 200 square feet (including both sign faces).
- (3) Monument signage to be externally lit – internal and channel lighting prohibited.

h. Directional signage (not associated with commercial uses) shall be permitted throughout the development and meet the standards set forth within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-2005 with the following modifications:

- (1) Signage area shall not exceed 15 square feet.

F. REFUSE AND MECHANICALS. Screening of refuse materials and

mechanicals shall meet the standards as set forth within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-1800 and further regulated as follows:

1. Dedicated areas for shared, community recycling/trash may be utilized in lieu of dedicated space on private sites provided that proof that sufficient capacity exists for number of users.

G. PARKING. Parking for individual developments shall meet the following general standards:

1. Retail and restaurant uses shall provide at least one (1) space per 360 square feet.
2. Office uses shall provide one (1) space per 600 square feet.
3. Institutional uses shall provide parking equal to 30 percent of the capacity of persons.
4. Residential uses shall provide one (1) space per unit.
5. Light industrial uses shall provide one (1) space per 750 square feet.
6. Total required parking of each use shall be permitted to utilize the following reductions:
 - a. Individual developments may subtract one (1) space per 15 feet of street frontage where adjacent on street parking exists in reducing the total number of required off street parking spaces (except required residential spaces).
 - b. Individual developments may subtract two (2) spaces where adjacent on street parking exists in reducing the total number of required off street parking spaces (except required residential spaces).
 - c. A parking study shall be required to be reviewed by the CDRT when development occurs in each new phase area identifying current conditions and demand of future conditions and adjust requirements as needed.

H. LIGHTING. Lighting throughout the PUD area shall meet the standards as set forth within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-500 and further regulated as follows:

1. Parking lot lighting shall consist of sharp cut-off fixtures. Poles shall not exceed twenty-five (25') feet in height.
2. Pedestrian lighting for walkways shall not exceed sixteen (16') feet overall measured from ground level.
3. Lighting plan indicating fixtures, placement, and height shall be included as part of the site plan submittal process and approved by the Community Development Review Team (CDRT).

4. For development on Lot 300 (refer to Exhibit L-1 through L-8), pedestrian level lighting shall be provided along the front façade and the Broadway façade. Any lighting placed in the right-of-way shall be coordinated with and require the approval of the Department of Public Works.

I. LANDSCAPING AND PARKING MAINTENANCE. Land-scaping throughout the PUD area (generally shown on Exhibit D) shall meet the standards as set forth within the Green Bay Zoning Code, Chapter 13, Green Bay Municipal Code, Section 13-1800 and the standards as set forth within this PUD and further regulated as follows:

1. Landscape plans shall be submitted with all commercial and mixed-use developments as part of the site plan process and be approved by the Community Development Review Team (CDRT).
2. All maintenance and upkeep of landscaping, internal drives and parking areas within the PUD are the sole responsibility of the developer.
3. Parking lot landscaping shall be provided in accordance with Section 13-1800 of the Zoning Code. If the required number of landscape islands is not provided, then at least the equivalent area of interior landscaping shall be provided.

J. ARCHITECTURE. Architectural design of both existing buildings and new construction should meet the standards as set forth within the OBI Design Guidelines (generally shown as example in Exhibit C) and at a minimum shall meet the standards as set forth within this PUD and further regulated as set forth below. It should be understood that the adaptive reuse of existing buildings will, in particular, be given reasonable latitude in applying the façade design standards that use the word “should” (which shall mean “requested but not required”) in this section. Refer to item 10 for modifications to the Architecture standards for Lot 33.

1. Existing Buildings should exercise repair over replacement. Historic photos should be used to identify previous conditions that can be matched in the renovation.
2. Materials should be durable and appropriate for the district. Acceptable building façade materials include:
 - a. Concrete (including precast concrete with prior approval of sample)
 - b. Glass
 - c. Masonry (brick as well as decorative block with prior approval of block sample)

- d. Metals
 - e. Stone
 - f. Tile
 - g. Wood with prior approval of sample
 - h. Other materials (such as cementitious sidings, stucco and polyurethane or PVC detailings) that are prior approved from actual samples
 - i. Materials not approved include vinyl siding, rough texture wood siding, “fake” brick or stone, gravel aggregates and EIFS.
2. Awning Materials should be canvas or acrylic coated fabric.
 3. Colors should be sensitive to the time period of the building construction and appropriate to the district.
 4. Street façade should have clear distinction between the “storefront” on the first floor and the floors above for the mixed use commercial and light industrial uses of this district.
 - a. Front entrance is to be clearly identifiable and recessed
 - b. Facades longer than 75 feet require functional entrances on an average of 75 feet.
 - (1) Entry doors are to be glass or have equal amount of sidelight glass to unglazed doors.
 - (2) A “functional” entry is defined as one that can be used by customers or employees on a regular basis.
 - (3) Due to the height of the first floor above sidewalk grade, this standard shall not be enforced on the Broadway façade for Lots 105 and 106 when adaptively reusing the existing buildings.
 - c. Transparent glazing is required for 35% of the ground level, street façade. Glazing should be insulated but clear. Transparent door glazing is counted as part of the transparent glazing requirement.
 - d. Storefront to include display windows or approved equal.
 - e. First floor to meet setback dimensions stated elsewhere in this PUD.
 - f. Upper floors should “feel” like an average setback of 0 feet; projections are encouraged.
 - g. Upper floors should reflect function of commercial, office or residential use.
 - h. Any signage, lighting and awnings must be integrated into the design.
 - i. Height and proportion is to be appropriate and respectful of neighbors

5. Second street facades (these will occur on corner lots and lots adjacent to dedicated park space) should be developed to a similar level of detail as the “address” elevation, though the overall emphasis of the “address” elevation should be greater than the second street facades.
 - a. Blank walls on second street facades should not exceed 24 feet long.
 - b. Functional entries are allowed and encouraged on second street facades. A functional entrance should occur on an average of 75 feet.
6. Side façade at adjoining property lines may be “blank” and must meet fire separation codes.
7. Rear façade should also use good design principles.
 - a. Entries should be properly emphasized to match use of entry (customer entry more emphasized than a “receiving” entry).
 - b. Some differentiation should occur between the first floor and the upper floors.
 - c. Rear façade should correlate to the front elevation.
8. Roofs should be designed for light reflectance and snow loads.
 - a. Flat roofs (<2:12 pitch) must have a Solar Reflectance Index (SRI) greater than 78.
 - b. Pitched roofs (>2:12) must have an SRI greater than 29.
 - c. Roofs must be designed to accept a snow load from an adjacent building that is of maximum height for the PUD.
9. Lot 300 shall follow the Architecture standards as set forth in this Section J, as applicable, with the following modifications:
 - a. No minimum functional entrance spacing shall be required for primary or secondary facades.
 - b. Pedestrian level glazing is required for at least 30% of the front façade and at least 25% of the Broadway façade. The proportion of transparent glazing shall generally conform to Exhibit L. All glazing, whether transparent or not, shall maintain a reasonably consistent appearance.
 - c. Historic images shall be considered to meet the intent of display windows.
 - d. Building materials, colors, and wall articulation shall generally conform to Exhibit L.

- K. ACCESS AND CIRCULATION. Access and circulation for automobile and pedestrian traffic established through permanent access easements, and in substantial conformity with what is depicted on the attached Exhibit E or as modified by Exhibit K-1 and L-1 as applicable.
- L. REQUIREMENT TO CONSTRUCT. In accordance with the Memorandum of Understanding that facilitated the purchase of the Larsen Green property, sales to third parties shall not be for the purpose of land banking or other purely speculative purpose. And in accordance with Section 13-1911 of the Zoning Code, any approval granted under this PUD shall expire one year from the date of approval. If construction does not commence during this time period, the PUD or PUD amendment necessary to allow the development shall be considered void.
- M. ARCHEOLOGY. In accordance with the Memorandum of Understanding that facilitated the purchase of the Larsen Green property, all archeological artifacts in place on-site, found, disturbed, or recovered are the property of the citizens of Green Bay, to which the City Council has control, subject to all state or federal regulations that may pertain to such items found.
1. Given the likely presence of archeological artifacts in the area of Lots 300 and 400, development here shall require that a professional archeologist is retained by the developer to oversee applicable construction and excavation activities.
 2. Proof of retention by a developer of a professional archeologist, as well as the findings of the archeologist, shall be provided in writing to the Planning Department.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit, and the plans identified therein, had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13.204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

DESCRIPTION OF LARSEN GREEN AREA PUD BOUNDARY

All of Lots 1 through 18, and all of Outlot 1, of the recorded plat Larsen Green; and
All of the recorded condominium plat Green Bay Broadway Condominium; and
All of Lot 3, and part of Lots 1 and 4, of Brown County Certified Survey Map Number 7693, as filed in Volume 53 of Certified Survey Maps, Page 31, Document Number 2324842; and
Part of Lot 1 of Brown County Certified Survey Map Number 4847, as filed in Volume 31 of Certified Survey Maps, Page 144, Document Number 1432656; and
Part of the Fort Howard Military Reserve (known as the Railroad Grant), Township 24 North, Range 20 East, described in Brown County Document Number 2394420; and
All of the Kellogg Street right-of-way dedicated to the public in the recorded plat of Larsen Green; and
All of Donald Driver Way (formerly known as a part of Pearl Street) as conveyed in Brown County Document Numbers 2377446, 2388637, and 2377461;

all located in the City of Green Bay, Brown County, Wisconsin described as follows:
Beginning at the northwest corner of Lot 17, said Larsen Green;
thence S26°-09'-57"W, 1309.02 feet, along the west line of Lots 17, 18, 16, 15 and 14 said Larsen Green, also being the east right-of-way line of N Broadway, to the southwest corner of said Lot 14;
thence S25°-44'-22"W, 256.82 feet, continuing along said east right-of-way line of said N Broadway;
thence southeasterly along the arc of a 30.50 foot radius curve to the left, 35.32 feet, said curve having a chord which bears S27°-50'-39"E, 33.38 feet, to the north right-of-way line of Dousman Street;
thence S61°-01'-04"E, 10.13 feet, along said north line of Dousman Street;
thence continuing along said north line of Dousman Street, S63°-56'-38"E, 251.02 feet;
thence N25°-44'-22"E, 10.55 feet, to the south line of said Lot 1, Brown County Certified Survey Map Number 4847, as filed in Volume 31 of Certified Survey Maps, Page 144;
thence S77°-57'-55"E, 85.37 feet, along said south line of said Certified Survey Map Number 4847, to the southeast corner of said Certified Survey Map Number 4847;
thence N43°-33'-52"E, 927.26 feet, along said east line of Certified Survey Map Number 4847, and the east line of said Brown County Document Number 2394420, to the northeast corner of said Brown County Document Number 2394420;
thence N46°-26'-08"W, 70.00 feet along the north line of said Brown County Document Number 2394420, to the northwest corner of said Brown County Document Number 2394420, also being a point on the east line of said Lot 17, Larsen Green;
thence N 43°-33'-52"E, 647.61 feet, along said east line of Lot 17, Larsen Green;
thence N64°-17'-02"W, 96.29 feet along said Lot 17, Larsen Green;
thence N26°-19'-10"E, 331.08 feet, along the east line of said Lot 17, Larsen Green, to the south right-of-way line of Mather Street;
thence N63°-45'-33"W, 87.30 feet, along said north right-of-way line of Mather Street;
thence southwesterly along the arc of a 245.50 foot radius curve to the right, 113.99 feet, said curve having a chord which bears S53°-59'-00"W, 112.97 feet, along said Lot 17, Larsen Green;
thence N63°-49'-46"W, 11.47 feet, along the north line of said along said Lot 17, Larsen Green;
thence continuing along said north line of along said Lot 17, Larsen Green, N77°-47'-32"W, 103.10 feet;
thence S26°-11'-42"W, 50.31 feet along said along said Lot 17, Larsen Green;
thence continuing along said north line of along said Lot 17, Larsen Green, N63°-48'-57"W, 286.93 feet;
thence S26°-10'-14"W, 125.12 feet along said along said Lot 17, Larsen Green;
thence continuing along said north line of along said Lot 17, Larsen Green, N63°-49'-46"W, 142.97 feet, to the point of beginning.

Parcel contains 1,011,607 square feet / 23.22 acres of land more or less.

Parcels affected being tax parcel numbers 5-1740, 5-1741, 5-1742, 5-1743, 5-1744, 5-1745, 5-1746, 5-1747, 5-1748, 5-1749, 5-1750, 5-1751, 5-1752, 5-1753, 5-1754,

5-1755, 5-1756, 5-1757, 5-1758, 5-1737, 5-1738, 5-1739, 5-584-2, 5-584-3 and 5-1524-1.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to hold action for one month. Motion carried with Ald. Moore abstaining.

ORDINANCES - THIRD READING

GENERAL ORDINANCE NO. 12-14

AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 7:00 PM DAILY zone:

BASTEN STREET, south side, from a point 95 feet east of Henry Street to Mech Street

SECTION 2. Section 29.208, Green Bay Municipal Code is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 7:00 PM DAILY zone:

BASTEN STREET, south side, from a point 95 feet east of Henry Street to a point 150 feet east of Mech Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zone:

MECH STREET, both sides, from Basten Street to a point 60 feet north of Basten Street

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

MECH STREET, west side, from Basten Street to a point 60 feet north of Basten Street

MECH STREET, east side, from Basten Street to a point 135 feet north of Basten Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following FOUR-HOUR PARKING 7:00 AM – 4:00 PM MONDAY – FRIDAY zone:

MECH STREET, both sides, from a point 60 feet north of Basten Street to a point 135 feet south of Van Deuren Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following FOUR-HOUR PARKING 7:00 AM – 4:00 PM MONDAY – FRIDAY zones:

MECH STREET, west side, from a point 60 feet north of Basten Street to a point 135 feet south of Van Deuren Street

MECH STREET, east side, from a point 135 feet north of Basten Street to a point 135 feet south of Van Deuren Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

BASTEN STREET, south side, from Newtols Street to a point 135 feet west of Spinnaker Lane

SECTION 8. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

BASTEN STREET, north side, from a point 115 feet west of Spinnaker Lane to Spinnaker Lane

SPINNAKER LANE, both sides, from Basten Street to a point 75 feet north of Basten Street

SECTION 9. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 10. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 17th day of June, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

GENERAL ORDINANCE NO. 13-14

**AN ORDINANCE
AMENDING CHAPTER 13,
GREEN BAY MUNICIPAL CODE,
REGARDING THE REGULATION OF
SOLAR ENERGY SYSTEMS
(TA 14-01)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 13-1611(c) and (d), Green Bay Municipal Code, is hereby amended as follows:

13-1611. Development Standards – Solar Energy Systems. (Cr. GO 9-12)

(c) Roof-mounted Solar Energy System

(1) The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building roof and shall not exceed the highest point of the roof line on which the system is mounted or built. Flat roof systems are permitted and will require screening consistent with this ordinance to minimize the overall height of systems. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building roof on a side yard exposure.

~~(2) The solar system must blend into the building on which the system is mounted by being sufficiently setback from public right-of-ways or screened from view from the right-of-way, or by using a surface collector color that blends into the roof or wall color of the building as seen from the public right-of-way.~~

(d) Code Compliance

- (1) A solar energy system shall comply with all applicable state and local construction, electrical and plumbing codes, where applicable.
- (2) Solar energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- (3) The design of the Solar Energy System shall conform to applicable industry standards.
- (4) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Green Bay Building Inspection Department that the owner has submitted ~~notification to Wisconsin Public Service Corporation of the customer's intent to install an interconnected customer-owned generator~~ **the required PSC6027 or PSC6028 form to Wisconsin Public Service**. Off-grid systems are exempt from this requirement.

SECTION 2. Section 13-614, Table 6-3, Green Bay Municipal Code, is hereby amended as follows:

13-614. Permitted accessory uses.

Table 6-3. Permitted Nonresidential Accessory Uses in the Residential Districts

Use	RR	R1, R2	R3	Dev. Stds
Uses Accessory to Dwellings				.
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes, and similar equipment	P	P	P	X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Signs, as regulated by Chapter 13-2000, Signs.	P	P	P	
Small wind energy system (Cr. GO 1-11)	C	C	C	X
Solar Energy System <u>Flush Roof Mount</u> (Cr. GO 9-12)	P	<u>C</u> <u>P</u>	P	
<u>Solar Energy System Other Than Flush Roof Mount</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>X</u>
Telecommunication facilities	C	C	C	X
Waste and recycling storage	P	P	P	X

Note: P = Permitted Use; C = Conditional Use

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 17th day of June, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

ZONING ORDINANCE NO. 5-14

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 12-11 TO
EXPAND THE BREWING OPERATION
AT 990 TONY CANADEO RUN FOR
BADGER STATE BREWING CO, LLC, AND
THE ELIMINATION OF OFF-PREMISE SIGNAGE
(ZP 14-18)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by modifying the Planned Unit Development District on the following described property at 990 Tony Canadeo Run:

PART OF LOT 9 MORRIS & BROMLEYS SUBD OF S1/2
PC 13 WSFR & PART OF PC 14 & 15 WSFR AS DESC IN
673 R 126 EX 669 R 91 & EX J1546-30 & EX J15079-24
(Tax Parcel Number 1-1841-C)

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Purpose and Intent. The purpose and intent of the Planned Unit Development (PUD) is to permit the expansion of the current brewery and to continue the transition of the subject area from industrial to commercial uses. The expansion and occupancy of the site shall generally comply with Exhibits A and B.
- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
 - 1. Micro brewing and related processing.
 - 2. Restaurant, tasting room and event space in conjunction with the brewery.
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle and accessory structures on the subject property shall be as required in the C1 – General Commercial District as set forth in Section 13-800, Green Bay Municipal Code.
- D. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code.
- E. Signage. All signage for the current project shall be regulated as illustrated in Exhibit A. Banners and streamers are strictly prohibited.
- F. Site Plan Standards.
 - 1. A site plan shall be submitted and reviewed per Chapter 13-1800, Green Bay Municipal Code.
 - 2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Municipal Code.
 - 3. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Municipal Code.
- G. ~~Off-Premise Directional Signage. In order to promote visibility for the existing businesses located on Tony Canadeo Run while the area is not yet fully developed, one off-premise directional sign shall be permitted for a one-year period in the location shown on Exhibit A. Such signage shall be limited and controlled in order to prevent a proliferation of off-premise directional signage and shall meet the following requirements:~~

- ~~1. The materials, color, appurtenant landscaping, and overall design shall be generally consistent with that shown in Exhibit B.~~
- ~~2. The maximum area of the sign face shall be 6 square feet per side for a total of 12 square feet.~~
- ~~3. Sign height shall not exceed 6 feet.~~
- ~~4. If lighted, the sign shall utilize external illumination.~~
- ~~5. The sign shall be located on private property (outside of the right-of-way) and outside of any required vision corner.~~
- ~~6. The sign may be located inside the front or side yard setback areas but shall be located so as to not obstruct traffic views of vehicles or pedestrians or in any way create a safety hazard.~~
- ~~7. A written agreement between the owner(s) of Tax Parcel Number 1-1841-C and those businesses identified on the sign shall be submitted with the sign permit application and maintained as long as the sign is present. An easement is the preferred form of agreement.~~
- ~~8. If the timeframe of this PUD is not extended as described under Section 2.1, then the sign shall be removed at the time that the PUD expires, is rescinded, or is otherwise modified to affect the allowance for off-premise directional signage.~~

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of

Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 17th day of June, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

ZONING ORDINANCE NO. 6-14

AN ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT FOR A MINOR AND MAJOR AUTO REPAIR AT 1253-1257 WEST MASON STREET (ZP 14-17)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development District on the following described property at 1253-1257 West Mason Street:

LOT 2 OF 22 CSM 329 BNG PRT OF W 10 AC OF LOT 26
OF CLA TANK'S SUBD OF PC 2-9 WSFR (Tax Parcel
Number
2-56-A)

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Purpose and Intent. The purpose and intent of this Planned Unit Development (PUD) is to address the mixture of minor/major auto repair, retail sale of auto accessories and the sale of vehicles on the subject site and minimize any impact on surrounding properties.
- B. Permitted Uses. The land uses which may be established on the subject property are as follows:
 - 1. Minor and major auto repair as permitted in Chapter 13, Green Bay Municipal Code.
 - 2. Retail operations as permitted under the General Commercial (C1) District, Chapter 13-800, Green Bay Municipal Code.
 - 3. No more than 10 vehicles are permitted on-site for sale at any one time.
 - 4. Any expansion of the use will require an amendment to the PUD.
- C. Uses of Limitations.
 - 1. No outdoor storage will be permitted. All vehicle parts and tires shall be stored inside of an enclosed building.
 - 2. Compliance with the submitted operations plan and submitted site plan.
 - 3. At the discretion of the Common Council, Plan Commission, or the Planning Director, if there are complaints and/or zoning violations, they may require a review by the Plan Commission and Common Council to ensure compliance with the standards of this ordinance.
 - 4. Parking shall be delineated for customers and employees, as well as the display of vehicles for sale.
 - 5. Every effort shall be made to keep vehicles waiting for repair within the building. Customer vehicles waiting for repair may be permitted outside of the building but shall be limited to no more than two designated parking spaces on the final site plan; each vehicle shall be parked no more than 5 days in a row and shall be screened from view from any residential property.
- D. Dimensional and Area Requirements. Dimensional and area requirements for principal and accessory structures on the subject property shall be as required in the C1 – General Commercial District as set forth in Section 13-800, Green Bay Municipal Code.
- E. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code.

F. Signage. All signage on the subject property shall be regulated as set forth in Sections 13-2004 and 13-2010, Green Bay Municipal Code. Banners and streamers are strictly prohibited.

G. Site Plan Standards.

1. A site plan shall be submitted and reviewed per Chapter 13-1800, Green Bay Municipal Code.
2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Municipal Code.
3. The building façade shall be free of any chipping and peeling paint. Any façade repairs shall be made within one year of approval of this ordinance.
4. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Municipal Code.

H. Tilkens Street Transitional Yard Buffer.

1. The existing 25 foot building, parking setback and landscape buffer along Tilkens Street shall retain existing vegetation and shall be maintained to minimize unsightly growth.
2. A detailed landscape plan shall be submitted as part of the site plan review. Mature trees, shrubs and other planting shall be inserted in blank areas along the landscape buffer area as approved by the Zoning Administrator.
3. Any break areas for employees shall be screened from the Tilkens Street right-of-way.
4. The existing chain-link fence along Tilkens Street shall remain and existing slats in the fence shall be replaced to create a barrier 90 percent impervious to sight.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 17th day of June, 2014.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

COMMITTEE OF THE WHOLE

Discussion and possible action on Oneida Seven Generations' litigation (Brown County Case No. 12-CV-2263) pertaining to the Conditional Use Permit at 1230 Hurlbut St.

Ald. Nennig read the following:

The Council may convene in closed session pursuant to Section 19.85(1)(g), Wis. Stats., for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with

respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Nennig, seconded by Ald. Scannell to convene in closed session.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: Nicholson. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to reconvene in open session. Motion carried.

The members were updated by the City Attorney regarding the potential litigation.

Moved by Ald. Tim DeWane, seconded by Ald. Thomas DeWane to adjourn at 8:40 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk